

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

CAROLYN M. LARRABEE,

Plaintiff,

v.

FAIRFAX COUNTY PUBLIC SCHOOLS,

Defendant.

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Case No.: 1:20cv1078

DEFENDANT’S NOTICE OF REMOVAL

COMES NOW Fairfax County School Board, on behalf of Defendant Fairfax County Public Schools (the “School Board”),¹ by counsel, and, pursuant to 28 U.S.C. §§ 1331, 1367, 1441(a), and 1446, removes to this Court the state action filed by Plaintiff Carolyn M. Larrabee (“Plaintiff” or “Ms. Larrabee”) and described in paragraph 1 below.

1. The removed action was commenced in the Circuit Court for the County of Fairfax, Virginia, on August 29, 2019, with the filing of a Complaint in an action styled *Carolyn M. Larrabee v. Fairfax County Public Schools*, Case No. CL 2019-12044. The clerk of the court issued the summons on August 14, 2020. Counsel for Defendant accepted service of process for Defendant on August 17, 2020.

2. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint served on Defendant are attached hereto as Exhibit A. No other process, pleadings, or orders have been served upon the School Board in this action.

¹ The School Board, not Fairfax County Public Schools, is the proper party defendant to this action. See Va. Code § 22.1-71 (providing that a school board “is declared a body corporate . . . and may sue, be sued, contract, [and] be contracted with”).

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after service of the initial pleadings.

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action is pending.

5. Removal is proper under 28 U.S.C. § 1441(a) because this Court has original jurisdiction under 28 U.S.C. § 1331 as this action arises under the laws of the United States.

6. Specifically, Plaintiff's claims arise from her allegations of pregnancy and sex discrimination under the Pregnancy Discrimination Act of 1978 and Title VII of the Civil Rights Act of 1964, as amended. (*See* Compl. Counts I and II.)

7. Pursuant to 28 U.S.C. § 1367, this Court also has supplemental jurisdiction over Plaintiff's remaining claims of an alleged violation of Massachusetts General Laws, Part IV, Title 1, section 99. (*See* Compl. Count III.)

WHEREFORE, the Fairfax County School Board, on behalf of Defendant Fairfax County Public Schools, hereby requests that this action be removed from the Circuit Court for the County of Fairfax, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441(a), and 1446 and this Notice of Removal, and that this Court assume jurisdiction over this action.

Respectfully submitted,

FAIRFAX COUNTY SCHOOL BOARD
on behalf of
FAIRFAX COUNTY PUBLIC SCHOOLS
By Counsel

Date: September 15, 2020

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Defendant Fairfax County Public Schools*

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a copy to:

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